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BRIARCLIFF MANOR, NY 10510

EXAMINER	
YANG, CLARA I	

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Enclosed is a supplemental Examiner's Answer, which replaces the Examiner's Answer mailed February 24, 2005 and is drafted in accordance with the new rules effective September 13, 2004. Also enclosed is a copy of the IDS filed July 12, 2001 with the Examiner's initials next to the reference.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/903,882
Filing Date: July 12, 2001
Appellant(s): WACYK, IHOR

William A. Munck, Registration No. 39,308
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 26 November 2004 appealing from the Office action mailed on 28 May 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6337619	KOWALSKI et al.	01-2002
2002/0175805	ARMSTRONG et al.	11-2002
6133832	WINDER et al.	10-2002
5838226	HOUGGY et al.	11-1998
2002/0084890	GUERRIERI et al.	07-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

I. Claims 1-3, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski (US 6,337,619) in view of Armstrong (US 2002/0175805).

Referring to claims 1-3, 12, and 13, Kowalski's system, as required in claim 1, comprises a terminal T (i.e., wireless controller) having a processor and a transceiver (see Col. 1, lines 17-14 and 27-32; and Col. 4, lines 7-16). Kowalski's method of selecting or binding an electronic module or device from a group of modules, wherein each module has its own address, comprises the following steps performed by terminal T: (1) transmitting a general query message ACTIVALL (i.e., an address/identification request) to the modules (see Col. 4, lines 7-16), as required in claims 2 and 12(a); (2) receiving or considering a first identification message ID3 or first address from a module M3 in the group, as required in claims 2 and 12(b), and causing the remaining modules M1 and M2 to set themselves in an idle or deselection state (see Col. 4, lines 24-26 and 37-53); (3) sending a selection message SELECT-ID3 to module 3 (see Col. 4, lines 30-34); (4) receiving a response R from module 3 (see Col. 8, lines 63-67); and (5) sending a HALT message to the selected or considered module in order to inhibit the module from responding to subsequent general query messages ACTIVALL (see Col. 8, lines 27-38), as required in claim 13. Here it is understood that the selected module marks itself as unavailable upon receiving the HALT message. Kowalski imparts that a module can be in seven states, including a selected state SEL, which is understood to indicate that the module is considered by terminal T, and an execution state EXEC, which is understood to indicate that the module is bound since it is to be controlled by terminal T (see Col. 8, lines 18-26). Kowalski teaches that steps (1) through (5) are then repeated in order for terminal T to select other modules that have

yet to communicate with terminal T (see Col. 8, lines 31-36). Though Kowalski's method lacks the step of sending an interrogation signal or address inquiry signal to determine the presence of modules having a specific address (as called for in claims 1, 12(c), and 12(d)), the common knowledge of controllers transmitting interrogation signals addressed to specific transponders is taken to be admitted prior art since the applicant failed to traverse the examiner's assertion of official notice in the previous Office Action (paper no. 7). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski's method such that terminal T or controller transmits an address inquiry signal addressed to a specific transponder 150 (as required in claims 1, 12(c), and 12(d)) in order to determine the presence of modules having a specific address and to identify duplicate addresses prior to transmitting commands, thereby preventing the reception of a command by a plurality of modules having the same addresses. Kowalski's method further lacks the steps of (6) determining whether one or more additional responses to the address inquiry are received from one or more modules in the group (as called for in claims 1, 3, and 12(e)), (7) instructing all devices having the same address to generate a random address (as called for in claims 1, 3, and 12(f)), and (8) repeating the entire process if one or more additional responses are received (as called for in claim 3).

In an analogous art, Armstrong's method includes (1) host computer 100 or controller transmitting a Read Tag_ID command to transponders 150 and determining from the received Tag_IDs if there is a transponder 150 that has the same Tag_ID or address as another transponder 150 (see [0062], lines 11-26), as required in claims 1 and 12(e); (2) host computer 100 transmitting a Re-select ID command or "Randomize Address" signal to a group of transponders 150 having the same Tag_ID, instructing transponders 150 to generate a random

Tag_ID (see [0062], lines 11-26), as required in claims 1, 3, and 12(f); and (3) host computer 100 retransmitting a Read Tag_ID command and receiving Tag_IDs from transponders 150. If duplicate Tag_IDs are detected again, Armstrong discloses that steps (2) and (3) until each transponder 150 has a unique Tag_ID, as required in claims 3 and 13 (see [0047], lines 1-4 and [0062], lines 11-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kowalski's method as taught by Armstrong because causing modules/device to generate random addresses upon detection of duplicate addresses greatly reduces interference and enables terminal T/controller to control and/or communicate with a particular module.

II. Claims 4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski (US 6,337,619) in view of Armstrong (US 2002/0175805) as applied to claims 1-3, 12, and 13 above, and further in view of Winder (US 6,133,832).

Regarding claims 4 and 14, Kowalski and Armstrong's method lacks the step of instructing the first device (i.e., the selected or considered device) to provide a sensory output that identifies the first device to an operator.

In an analogous art, Winder's method for locating articles includes the steps of: (a) transmitter unit 16 or controller transmitting the access code or address of a tag 12 that is to be located (see Col. 2, lines 30-32 and Col. 6, lines 28-38); (b) a plurality of tags 12 receiving transmitter unit 16's signal, decoding the signal, and determining if the received access code is for that particular tag 12 (see Col. 2, lines 32-34; Col. 6, lines 56-59; and Col. 7, lines 4-16); and (c) tag 12 activating tag speaker drive circuit 108 if tag 12 determines that the received access code is its own, causing speaker 78 to emit a user recorded message or a predetermine alarm sound,

and laser diode drive circuit 110, causing laser diode 86 and laser diode movement structure drive circuit 112 to generate a moving laser beam or visual output (see Fig. 5 and Col. 7, lines 11-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kowalski and Armstrong's device and method as taught by Winder because the step of generating audio and visual outputs upon being selected/considered by a controller enables a user to confirm aurally and visually which device is communicating with the controller, thus making the system user-friendly.

Regarding claims 15 and 16, Kowalski's method, as modified by Armstrong method also includes the steps of: (h) binding a module by transmitting a command COM after selecting or considering the module (see Col. 8, lines 18-26); (i) removing the module from further consideration when the module is in a SEL (considered but unbound) state or EXEC (considered and bound) state (see Col. 8, lines 31-36); and (j) repeating the method beginning at step (a) in Claim 12 (see Col. 8, lines 31-36).

III. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 2002/0175805) in view of Houggy (US 5,838,226).

Referring to Claim 9, Armstrong teaches a radio frequency (RF) transponder 150, as shown in Fig. 11, comprising a state machine 1155 or processor having a common default Tag_ID (see [0062], lines 4-7) and a transceiver controlled by tag TX/RX control 1180 for transmitting and receiving signals (see [0054], lines 5-11; [0078], lines 1-9; and [0079], lines 1-3). Armstrong's state machine 1155 is programmed to (a) transmit its Tag_ID or address in response to receipt of a Read Tag_ID command or "Address Request" signal (see [0054], lines 5-11); (b) generate a random Tag_ID in response to receipt of a Re-select Tag_ID command or

"Randomize Address" signal (see [0062], lines 11-14 and 19-26); (c) transmit the new random Tag_ID in response to receipt of a subsequent Read Tag_ID (see [0062] and 34-42); and (d) transmit the new Tag_ID upon receiving a Read Tag_Data command addressed to its new random Tag_ID (see [0064], lines 10-28). Because Armstrong's Read Tag_Data command causes a transponder 150 to transmit its Tag_ID along with data stored in its memory if the received Tag_ID is the same as transponder 150's Tag_ID, it is understood that the Read Tag_Data command also functions as an "Address Inquiry" signal. Armstrong, however, is silent on transponder 150's processor transmitting a response to host computer 100 after a predetermined time period upon receiving a Read Tag_ID command or address request signal.

In an analogous art, Houggy teaches an RF communication system for controlling electrical devices, such as lights, from remote locations (see Abstract). Houggy's system, as shown in Fig. 1, comprises lighting control device 50 (or device) that is bound to master control devices 20 and/or 30 (see Col. 12, lines 20-31 and 56-60). Fig. 2 is a view of lighting control device 50, which includes power and control board 506 or processor (see Col. 13, lines 46-51) that is programmed to transmit its status information in an assigned timeslot (i.e., "a pre-determined period of time") upon receiving a command from a master control device (see Fig. 18 and Col. 29, lines 29-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Armstrong's transponder 150 as taught by Houggy because having transponders 150 transmit their addresses in an assigned timeslot upon receiving a Read Tag_ID command avoids interference (see Houggy, Col. 3, lines 2-4).

Regarding Claim 10, Armstrong's host computer 100 is also able to cause transponder 150 to replace its Tag_ID with a separate and distinct Tag_ID by transmitting a Replace Tag_ID

command (see [0063], lines 1-5). Per Armstrong, when host computer 100 detects that the Tag_ID of a particular transponder 150 is identical to an existing Tag_ID, host computer 100 transmits a Replace Tag_ID command, which includes the old Tag_ID for addressing the transponder and the new Tag_ID, to the particular transponder 150 (see [0063], lines 21-26). Upon receiving the command, transponder 150 stores the new Tag_ID in a temporary register, transmits the new Tag_ID back to host computer 100, and replaces its old Tag_ID with the new Tag_ID upon receipt of an acknowledge signal from host computer 100 (see [0063], lines 26-42).

IV. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 2002/0175805) in view of Houggy (US 5,838,226) as applied to claim 10 above, and further in view of and Guerrieri (US 2002/0084890).

Though Armstrong, as modified by Houggy, teaches controlling lights via a lighting control device having an RF transponder, Armstrong and Houggy fail to teach a lamp comprising a transponder 150.

In an analogous art, Guerrieri teaches a system comprising a modular light devices or lamps and an interrogator or controller. Guerrieri's lighting apparatus includes microcontroller 20 (see Fig. 5) and a programmable communication means such as an RFID transponder or tag, thereby enabling an interrogator or reader to send and receive signals to and from transponder in order to identify and control the lighting apparatus. (See [0056].)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Armstrong and Houggy's device as taught by Guerrieri because there is a need for wireless and programmable lamps that are able to provide varying amounts of light in accordance with programmed instructions and are adaptable for a plurality of purposes (see Abstract, [0012], and [0018]).

V. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski (US 6,337,619) in view of Armstrong (US 2002/0175805) as applied to claim 12 above, and further in view of Guerrieri (US 2002/0084890).

Kowalski and Armstrong's device is an RFID transponder, not a lamp.

In an analogous art, Guerrieri teaches a system comprising a modular light devices or lamps and an interrogator or controller. Guerrieri's lighting apparatus includes microcontroller 20 (see Fig. 5) and a programmable communication means such as an RFID transponder or tag, thereby enabling an interrogator or reader to send and receive signals to and from transponder in order to identify and control the lighting apparatus. (See [0056].)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Armstrong's device as taught by Guerrieri because there is a need for wireless and programmable lamps that are able to provide varying amounts of light in accordance with programmed instructions and are adaptable for a plurality of purposes (see Abstract, [0012], and [0018]).

(10) Response to Argument

A. Rejection under 35 USC § 103(a) of Claim 1

1. Regarding the limitation "transmitting an address inquiry signal to an address (ADDR1) of a first device in the neighborhood"

On page 11, the Appellant traverses the Examiner's taking that the "well known in the art" statement in the Office Action mailed on 10 December 2003 to be admitted prior art. The Appellant asserts on page 12 that the Examiner's assertion of Official Notice was properly traversed in the response the Office Action mailed on 10 December 2003 by the statement that "[the] Applicant denies any statement, position or averment of the Examiner that is not

specifically addressed by the foregoing argument and response." On the contrary, pursuant to M.P.E.P. § 2144.03.C, "an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Consequently, the Appellant's statement in the response the Office Action mailed on 10 December 2003 is improper since it lacked specificity, and the taking of the "well known in the art" statement to be admitted prior art is maintained.

Though the Appellant failed to properly traverse the Examiner's assertion prior to the filing of the appeal brief, the Examiner provides the following as evidence that "transmitting an address inquiry signal to an address" is well known in the art. First, on page 11 of the office action mailed on 28 May 2004, the Examiner referred to two references (US 5,798,693 and US 5,952,922) as pertinent prior art because they are evidence that "transmitting an address inquiry to an address" is well known in the art. Secondly, in the U.S. Manual of Classification, information source control devices that transmit interrogation signals to information-containing devices, wherein the interrogation signals uniquely identify a specific information-containing device, are classified in class/subclass 340/10.31. Finally, though Kowalski (US 6,337,619) teaches that terminal T transmits a selection confirmation message SELECT-ID3 to indicate to all the modules that communication is to take place between the terminal and only the module having ID3 as its identification data (see Col. 4, lines 30-34), Kowalski also teaches that the selection operation is improved by having the selected module transmit a response code R upon receipt of the SELECT-ID3 message (see Col. 8, lines 63-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have Kowalski's selection confirmation message such that it is an address inquiry signal addressed to a specific module.

2. *Regarding the limitation "determining whether one or more additional responses to the address inquiry signal are received from one or more of the other devices in the neighborhood group"*

The Appellant argues on pages 12-14 that neither Armstrong nor Kowalski teach the limitation. The arguments are not persuasive for the following reasons.

First, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Appellant argues that Armstrong omits teaching the limitation on pages 12-13 and that Kowalski omits teaching the limitation on page 14. However, the combination of Kowalski and Armstrong's teachings, as explained below, does teach the limitation.

Secondly, on pages 12-13, the Appellant argues that the passage cited by the Examiner (i.e., Armstrong, Section [0062]) "does not describe the technique with which the Armstrong system determines that a transponder has the same address as another transponder" and that the technique is actually described in Section [0063]. Sections [0062] and [0063], however, teach two different situations. The situation described in Section [0062] pertains to the process of causing each transponder 150 within a group of transponders having a common default Tag_ID to acquire a unique Tag_ID via the Re-Select Tag_ID process. The Re-select Tag_ID process occurs in a staging area (i.e., where tagged articles are held prior to joining the general population of tagged articles), as explained in Section [0063], and causes one or more transponders 150 to generate a random Tag_ID. Section [0063], on the other hand, describes the Replace Tag_ID process, which occurs in the general area and causes an individual transponder 150 to replace its Tag_ID with a new Tag_ID received from host computer 100. Armstrong's Re-Select Tag_ID process, as described in Section [0062], comprises the steps of: (1) host computer

100 transmitting a Re-Select Tag_ID command to a plurality of transponders 150 having a common Tag_ID (see lines 11-14); (2) each transponder 150 generating a random, unique Tag_ID (see lines 11-14); (3) host computer 100 transmitting a Read Tag_ID (i.e., address inquiry) to transponders 150 (see lines 14-19); (4) each transponder 150 transmitting its Tag_ID (see lines 14-19); (5) host computer 100 receiving and storing each Tag_ID (see lines 40-42); (6) host computer 100 determining if a transponder 150 possess the same Tag_ID as another (see lines 19-24); and (7) host computer 100 repeating steps (1)-(6) if duplicate Tag_IDs have been determined (see lines 19-26). Armstrong thus clearly teaches the steps of determining whether one or more additional responses to Read Tag_ID have been received from transponders 150 and identifying duplicate Tag_IDs. Hence the limitation "determining whether one or more additional responses to the address inquiry signal are received from one or more of the other devices in the neighborhood group" is taught by combining the teachings of Kowalski, who teaches transmitting an address inquiry signal to a specific module, and Armstrong.

3. *Regarding the limitation "sending a randomize address signal addressed to ADDR1"*

On page 14, the Appellant argues that though the passage cited by the Examiner (Armstrong, Section [0062], lines 11-26) "describes transmitting the Reselect Tag_ID command to newly manufactured transponders having a common, default Tag_ID, the passage does not describe addressing the command to a specified address." In contradiction, Armstrong teaches in lines 19-24 of Section 62 that host computer 100 can "cause groups of individual transponders 150 to select a new Tag_ID." Hence, Armstrong's host computer 100 is able to address the Re-Select Tag_ID command to a specified transponder 150.

B. Rejection under 35 USC § 103(a) of Claim 2

On page 17, the Appellant states that the combination of Kowalski and Armstrong would not result in the limitations of Claim 2. There are two reasons why the argument is not persuasive.

First, Kowalski's terminal T performs the steps of transmitting a general query message ACTIVALL (i.e., an address/identification request) to the modules (see Col. 4, lines 7-16) and receiving or considering a first identification message ID3 or first address from a module M3 in the group (see Col. 4, lines 24-26 and 37-53). Though Kowalski teaches that terminal T then transmits a selection confirmation message SELECT_ID3 instead of an address inquiry signal addressed to ID3, the common knowledge of controllers transmitting interrogation signals addressed to specific transponders is taken to be admitted art (see Section A-1). Therefore, by modifying Kowalski's terminal T such that it transmits an address inquiry signal addressed to ID3 instead of a selection confirmation message SELECT_ID3, Kowalski does teach the limitation of claim 2.

Second, in addition to establishing a separate interrogation zone for detecting duplicate Tag_IDs as described in Section [0062], Armstrong also teaches that host computer 100 is able to cause *individual* transponders 150 to select a new Tag_ID. Thus, claim 2 is also taught by the combination of Kowalski and Armstrong.

C. Rejection under 35 USC § 103(a) of Claim 3

1. Regarding the limitation "where the controller sends a randomize address signal addressed to ADDR1 if one or more additional responses to the address inquiry signal is received"

On page 18, the Appellant states that "as argued with regard to Claim 1, the cited references describe neither determining whether more than one response has been received to an address inquiry signal nor sending a randomize address signal to a specified address. As

previously explained in Sections A-1 through A-3, Kowalski, as modified by Armstrong, teaches the limitation.

2. Regarding the limitation wherein the controller repeats actions (a)-(f) in response to determining that more than one device has responded to the address inquiry signal addressed to ADDR1

Because Kowalski omits teaching that terminal T is able to determine whether one or more duplicate responses to a specific address inquiry signal has been received, Kowalski's steps are repeated in order for terminal T to select other modules that have yet to communicate with terminal T (see Col. 8, lines 31-36). In other words, as noted by the Appellant, the steps are repeated after terminal T successfully communicates with each module. Armstrong, on the other hand, teaches repeating the steps of the Re-Select Tag_ID process when duplicate Tag_IDs have been received (see Section [0062]). Thus, Kowalski's method, as modified by Armstrong, teaches repeating the process when duplicate module identification data has been received.

3. Regarding the limitation (f) (i.e., "sending of the randomize address signal addressed to ADDR1 if one or more additional responses to the address inquiry signal is received")

On page 19, the Appellant states on "the Examiner further asserts that in the *Armstrong* reference, the steps of transmitting a Reselect Tag_ID command to a group of transponders and transmitting a Read Tag_ID command and receiving Tag_IDs from transponders are repeated until each transponder has a unique Tag_ID" yet argues "the Examiner does not assert that the *Armstrong* reference teaches repeating action (e)." Because Armstrong teaches that the process is repeated until each transponder 150 has a unique Tag_ID, action (e) (i.e., determining whether one or more additional responses to the address inquiry signal are received from one or more of the other devices") must also be repeated. In addition, as previously explained in Sections A-2 and A-3, Kowalski, as modified by Armstrong, teaches limitations (e) and (f).

D. Rejection under 35 USC § 103(a) of Claim 12

Regarding claim 12, limitations (a) and (b) are also called for in claim 2, and limitations (c)-(f) are also called for in claim 1. As a result, the Appellant's arguments on pages 20–26 are essentially the same as those on pages 11-17, and the Examiner maintains the responses described in Sections A-1 through A-3 and Section B as explained below:

- Argument on pages 20-21 ("Regarding steps (a)-(d)...the Examiner states in the final rejection...") is similar to the one on pages 16-17 ("The Examiner states in the final rejection..."). The Examiner maintains the same responses as described in Section B.
- Argument on pages 21-22 ("Regarding the limitation 'querying the devices..'") is similar to the one on pages 11-12 ("Regarding the limitation 'transmitting an address inquiry signal...'"). The Examiner maintains the same responses as described in Section A-1.
- Argument on pages 22-24 ("Regarding the limitation 'determining whether one or more additional responses...'") is similar to the one on pages 12-14 ("Regarding the limitation 'determining whether one or more additional responses...'"). The Examiner maintains the same responses as described in Section A-2.
- Argument on pages 24-26 ("Regarding the limitation 'instructing all devices...'") is similar to the one on pages 14-15 ("Regarding the limitation 'sending a randomize address signal...'"). The Examiner maintains the same responses as described in Section A-3.

E. Rejection under 35 USC § 103(a) of Claim 13

On page 26, the Appellant argues "the cited references do not describe determining whether more than one response has been received to a query as to whether devices have a specified address" and proceeds to essentially reiterate on pages 27-28 the arguments regarding Claim 3. In response to the argument on page 26, which relates to the one on pages 12-14, the Examiner maintains the responses as described in Section A-2. As for the argument on page 27 ("Regarding actions (a)-(d)..."), which is the same as the one on page 19, the Examiner maintains the responses as described in Section C-2. Finally, in response to the argument on

page 27 ("Regarding action (f)..."), which is the same as the one on page 19, the Examiner maintains the responses as described in Section C-3.

F. Rejection under 35 USC § 103(a) of Claim 4

On page 31, the Appellant incorporates by reference the arguments made with regard to the patentability of claims 1-3 and argues that "the *Winder* reference does nothing to overcome the shortcomings of the *Kowalski* and *Armstrong* references." However, as explained in Sections A-1 through A-3, the combination Kowalski and Armstrong's disclosures does teach the limitations of claims 1-3.

The Appellant then argues "the cited references describe neither determining whether more than one response has been received to an address inquiry signal. Section A-2 explains how the references to teach the limitation.

G. Rejection under 35 USC § 103(a) of Claim 14

On page 32, the Appellant incorporates by reference the arguments made with regard to the patentability of claims 12 and 13 and argues that "the *Winder* reference does nothing to overcome the shortcomings of the *Kowalski* and *Armstrong* references." However, as explained in Sections A-2, C-2, and C3 (see Sections D and E), the combination Kowalski and Armstrong's disclosures does teach the limitations of claims 12 and 13. Thus, the combination of Kowalski, Armstrong, and Winder's disclosures does teach the limitations of claim 14.

H. Rejection under 35 USC § 103(a) of Claim 15

On page 33, the Appellant incorporates by reference the arguments made with regard to the patentability of claims 12-14 and argues "the *Winder* reference does nothing to overcome the shortcomings of the *Kowalski* and *Armstrong* references." However, as explained in Sections A-2, C-2, and C3 (see Sections D and E), the combination Kowalski and Armstrong's disclosures

does teach the limitations of claims 12 and 13, and Kowalski, as modified by Armstrong and Winder, does teach the limitation of claim 14.

In response to the Appellant's argument that "the teaching of the Kowalski reference is to establish communication with a single module, rather than bind the module to a group, as recited in Claim 15", limitation (h) requires "binding the first device as part of the control group". First, according to the abstract, the Appellant teaches "[a] method of binding one or more lamps from a neighborhood group into a control group that are controlled together." Consequently, a control group can have a single device. Secondly, the definition of "bind" is "To compel, obligate, or unite" (see http://dictionary.reference.com/). Per Kowalski, terminal T establishes communication with a plurality of modules (see Fig. 1) when the modules are within the terminal's interrogation field and is able to cause each module to perform operations as required by a particular application (see Col. 1, lines 19-32). The modules that are commanded to perform operations are understood to be part of a control group. Kowalski further teaches that terminal T transmits operating commands COM to a selected module (see Col. 8, lines 21-22). By transmitting an operating command COM, terminal T "binds" with a module, which becomes part of the control group. Hence, Kowalski teaches limitation (h).

I. Rejection under 35 USC § 103(a) of Claim 16

On page 34, the Appellant incorporates by reference the arguments made with regard to the patentability of claims 12-14 and argues "the *Winder* reference does nothing to overcome the shortcomings of the *Kowalski* and *Armstrong* references." However, as explained in Sections A-2, C-2, and C3 (see Sections D and E), the combination Kowalski and Armstrong's disclosures does teach the limitations of claims 12 and 13, and Kowalski, as modified by Armstrong and Winder, does teach the limitation of claim 14.

In response to the Appellant's argument on page 35 that "the Examiner's distinction between SEL and EXEC states as representing unbound or bound states is thus an artificial one", as explained in Section H, the Examiner interprets that Kowalski's module is part of a control group (i.e., bound to a control group) when terminal T sends an operating command COM to the module, causing the module to be in the execution (EXEC) state. Though Kowalski does teach that a module in the selected (SEL) state "can be considered", as noted by the Appellant, Kowalski also clearly teaches that terminal T "can block the module by sending to it the HALT message" to end communication when the module is in the SEL or EXEC state (see Col. 8, lines 27-30). When terminal T terminates communication, the module in the HALT state is unable to receive any operating commands COM and is thus removed from "further consideration in the binding procedure" without being bound.

J. Rejection under 35 USC § 103(a) of Claim 9

With regard to the limitation that the processor of a device is programmed to transmit "a signal comprising the address a pre-determined period of time after receipt of an address request signal", the Appellant argues on page 38 that "the point in time at which a dimmer in the *Houggy* system transmits its status is determined by the timing of a subsequent zero crossing of the AC power line, rather than by the passing of a pre-determined period of time after the receipt of a command." First, as written, the limitation can be understood to require that the processor, after receiving an address request signal, transmit its address in a predetermined period of time, which was the Examiner's interpretation and taught by Houggy (see Fig. 18; Col. 26, lines 30-50; and Col. 29, lines 29-40). However, even if the limitation requires that the processor's address transmission occur after a predetermined time period upon receiving an address request signal, as asserted by the Appellant, Houggy also teaches

this interpretation. Per Houggy, the master station and dimmers are all synchronized to the zero crossing of the AC power (see Col. 29, lines 65-67 and Col. 30, lines 44-47), which is clearly illustrated in Fig. 18. Referring to Fig. 18, a predetermined time period is defined as the period after the master's second transmission of a command and the zero crossing at time 2. In other words, after receiving a second command from the master, the dimmer in slot 1 waits a predetermined period of time until the subsequent zero crossing at time 2. Hence, Armstrong, as modified by Houggy, does teach the Appellant's invention.

K. Rejection under 35 USC § 103(a) of Claim 10.

The Appellant incorporates by reference the arguments made with regard to the patentability of claim 9. As explained in Section J, Armstrong, as modified by Houggy, does teach claim 9.

On page 39, the Appellant argues "the *Armstrong* system reprograms a transponder's Tag_ID using two signals, one to communication the new Tag_ID and another to cause the reprogramming of the Tag_ID in the transponder". On the contrary, Armstrong teaches in Section [0063] that the host computer transmits a Replace Tag_ID command, which includes the old Tag_ID and new Tag_ID, to a particular transponder 150. Referring to Fig. 3, Armstrong expresses that the old Tag_ID is used to address the transponder in field 335 and that the new Tag_ID is transmitted as data in field 340. Thus, Armstrong's Replace Tag_ID is a "signal addressed to the address and comprising a new address" as required by the claim.

L. Rejection under 35 USC § 103(a) of Claim 11

The Appellant incorporates by reference the arguments made with regard to the patentability of claims 9 and 10 and argues that claim 11 "is patentable due to its dependence

from allowable base claims." However, as explained in Sections J and K, Armstrong, as modified by Houggy, does teach claims 9 and 10.

M. Rejection under 35 USC § 103(a) of Claim 17

The Appellant incorporates by reference the arguments made with regard to the patentability of claim 12 and argues on page 46 that "the *Guerrieri* reference does nothing to overcome the shortcomings of the *Kowalski* and *Armstrong* references." However, as explained in Sections A-2, C-2, and C3 (see Sections D and E), the combination Kowalski and Armstrong's disclosures does teach the limitations of claim 12, and Kowalski, as modified by Armstrong and Guerrieri, does teach the limitation of claim 17.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

CY
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Conferees
Michael Horabik
Brian Zimmerman

BRIAN ZIMMERMAN
PRIMARY EXAMINER

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600